

REMARKS/ARGUMENTS

Claims 1-14 were presented for examination, claim 9 being previously cancelled, leaving claims 1-8 and 10-14 pending in this application. In an Official Final Office Action dated August 4, 2009 claims 1-8 and 10-13 were rejected. Claim 14 was objected to as being dependent on a rejected claim but would be found allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. The Applicant thanks the Examiner for his consideration and addresses the Examiner's comments concerning the claims pending in this application below.

Applicant herein amends claims 1, 4, 5, 8, 10, 11 and 14 and respectfully traverses the Examiner's prior rejections. No claims are currently cancelled and no new claims are added. These changes are believed not to introduce new matter, and their entry is respectfully requested. Moreover the changes incorporate limitations originally found in claim 14, therefore the Applicant contends a new search is not warranted. The claims have been amended to expedite the prosecution and issuance of the application. In making this amendment, the Applicant has not and is not narrowing the scope of the protection to which the Applicant considers the claimed invention to be entitled and does not concede, directly or by implication, that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, the Applicant reserves the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and withdraw them.

Drawing Objection

In the Final Office Action, the Examiner maintains the objection to the drawings stating again that unlabeled rectangular box(es) should be provided with descriptive text labels. The Applicant appreciates the Examiner's position but the Final Office Action again fails to provide sufficient detail regarding which figures have been objected to as allegedly failing to have descriptive text labels. A careful review of the rectangular boxes of each figure shows that each box is either labeled with a numeral associated with descriptive text in the specification or descriptive text/symbols. The Applicant contends that one skilled in the art in view of the descriptive text in the specification would find the labels and descriptive text/symbols adequate to fully understand, make and use the invention. The Applicant is willing to modify the current labeling and descriptive text present in the drawings to assist the Examiner and to expedite allowance of the case however the Applicant respectively requests specific detail as to what rectangular boxes in what figures are giving rise to the objection.

Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-8 and 10-13 remain rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Publication No. 2004/0028121 issued to *Fitton* ("Fitton") in view of U.S. Patent No. 7,313,114 issued to *Karjalainen* ("Karjalainen"). Applicant respectfully traverses this rejection for at least the following reasons.

Independent claims 1 (and claims, 4 and 11 in varying language) is herein amended to state (among other things), "said means for respectively evaluating the contribution of interferences including a plurality of correlators, wherein each correlator receives scrambling codes of other links that contribute to the interference

...." Support for this amendment can be found generally in the specification and specifically in the paragraph beginning on line 6 of page 4.

The Applicant contends that neither Fitton nor Karjalainen teach or suggests the use of a correlators that receive scrambling codes of other links that contribute to the interference of data caused by the channel. The Applicant further contends that this feature is an aspect of claim 14 and accordingly does not warrant a further search. Reconsideration is respectfully requested.

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicant's attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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